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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1990/53

I. INTRODUCTION

1. The Special Rapporteur was first appointed in 1984 by the Commission on Human Rights to examine the human rights situation in Afghanistan. Since then, his mandate has been renewed regularly by resolutions of the Commission which were endorsed by the Economic and Social Council and which requested the Special Rapporteur to report to the Commission on Human Rights and to the General Assembly. So far, he has submitted six reports to the Commission (E/CN.4/1985/21, E/CN.4/1986/2, E/CN.4/1987/22, E/CN.4/1988/25, E/CN.4/1989/24 and E/CN.4/1990/25) and six to the General Assembly (A/40/843, A/41/778, A/42/667 and Corr.1, A/43/742, A/44/669 and A/45/664).

2. Pursuant to Commission on Human Rights resolution 1990/53 and Economic and Social Council decision 1990/234, which extended his mandate for another year, the Special Rapporteur submitted in November 1990 an interim report (A/45/664) to the General Assembly containing preliminary conclusions and recommendations. After considering the report, the General Assembly adopted resolution 45/174 on 18 December 1990, in which it decided to keep under consideration, during its forty-sixth session, the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

3. In keeping with his mandate, the Special Rapporteur has the honour to submit the present final report to the Commission on Human Rights. This report reflects the most important new elements which, in the opinion of the Special Rapporteur, have had a bearing on human rights since the presentation of his interim report (A/45/664) to the General Assembly in November 1990. The present update should therefore be considered together with the interim report.

4. In accordance with the practice he has always followed in the matter, the Special Rapporteur carried out two visits to the area in the course of his present mandate in order to obtain the most broadly based information possible. The first visit took place from 13 to 27 September 1990 (Pakistan from 13 to 22 September and Afghanistan from 22 to 27 September 1990), and its findings are reflected in the interim report to the General Assembly (A/45/664). The second visit of the Special Rapporteur took place from 2 to 6 January 1991 (Pakistan from 2 to 4 January and Afghanistan from 4 to 6 January 1991), in order to gather up-to-date information for the purposes of the present report.

5. During his last visit to Pakistan, the Special Rapporteur was received in Islamabad by the Chief Commissioner for Afghan Refugees. Also in Islamabad, he met with the representative of a non-governmental organization based in Peshawar. In addition, the Special Rapporteur met with the Ambassador of the Union of Soviet Socialist Republics to Pakistan.

6. In the North West Frontier Province, the Special Rapporteur visited the Kacha Garhi Refugee Camp, where he had talks with commanders and elders. He also interviewed newly arrived refugees from the Logar province. In addition, the Special Rapporteur had talks with commanders and elders of refugees living in Aza Khel.

7. While in Peshawar, the Special Rapporteur met with representatives of various humanitarian organizations and private individuals. He also had talks with a member of the recently established Commanders' Shura and with the leaders of one of the opposition parties based in Peshawar. During these consultations, the Special Rapporteur exchanged views on the overall situation in Afghanistan, with particular reference to human rights issues and prisoners.

8. During his visit to Afghanistan, in accordance with the programme established in consultation with the Afghan authorities, the Special Rapporteur was received by the Minister of the Interior, the Minister for State Security and the Minister for Repatriates' Affairs. He also had talks with representatives of the Ministry of Foreign Affairs.

9. In Kabul, the Special Rapporteur visited the Pol-i-Charkhi prison and the Juvenile Rehabilitation Centre (Dar-el-Taadib).

10. The Special Rapporteur wishes once again to express his sincere appreciation of the valuable assistance and full co-operation he has received, despite the limited time available to him, from the governmental authorities of the two countries visited.

11. Chapter I of this report evaluates the present situation of human rights in Afghanistan with special emphasis placed on the situation of refugees,

which the Special Rapporteur continues to consider as a paramount human rights problem. This chapter also describes the human rights situation in government-controlled areas and in areas not under government control, as well as the question of human rights in the light of the armed conflict and the question of self-determination. Chapter II contains the conclusions and recommendations which the Special Rapporteur has drawn from the analysis of the additional information he has gathered recently.

12. In addition to gathering information during the visits to Pakistan and Afghanistan, with a view to informing the Commission on Human Rights and the General Assembly in the most impartial and objective manner possible, the Special Rapporteur followed the course of events throughout the period covered by the report, i.e. since the extension of his mandate in March 1990, and systematically evaluated written and oral information relevant to his mandate received from various individuals and organizations.

13. In preparing this report, the Special Rapporteur has consulted various reports prepared by United Nations bodies and specialized agencies, as well as those by non-governmental organizations, dealing with the humanitarian aspect of the Afghan problem.

II. EVALUATION OF THE PRESENT SITUATION OF HUMAN RIGHTS IN AFGHANISTAN

A. General

14. As long as there is no political dialogue between all parties to the conflict which brings so much suffering to the people in the region, and which is becoming increasingly fratricidal in character, there is little hope that it may be terminated in the near future. The current discussions about a political solution of the conflict are of a limited nature, since all parties to the conflict did not participate at the same time.

15. Thus, the conflict is still continuing and all the problems of human rights and humanitarian law that have characterized it so far persist, namely:

(a) The existence of more than five million refugees who make up one third of the world refugee population;

(b) The armed conflict between the Government, which is defending its authority and law and order in its territory, and a multitude of armed opposition forces;

(c) The governmental policy to maintain law and order in a war-like situation;

(d) The power struggle between representatives of opposition forces;

(e) The power struggle between certain armed groups and their commanders;

(f) The continuing political interest on the part of the super-Powers in this conflict.

16. As a result of the above, human rights are jeopardized, humanitarian law is frequently ignored, and the right to self-determination cannot be genuinely and freely exercised. All this must be considered in the context of a third world country which is still in the process of development.

17. It must be emphasized that human rights, as enshrined in the principal international instruments, and humanitarian rights and obligations as enshrined in the body of humanitarian law, are binding on all parties to the conflict. As the Special Rapporteur has stated in his previous reports, they are also binding on the opposition movements, in accordance with article 3 of the Geneva Conventions. Therefore, the Special Rapporteur has a set of well-defined criteria for ascertaining facts in the light of human rights instruments and humanitarian law.

18. Before entering into greater detail, the Special Rapporteur would like to reiterate the fact that the present report should be read in conjunction with his report to the General Assembly (A/45/664). The Commission should also bear in mind that the recent situation in Afghanistan must be viewed against the background of the meteorological conditions prevailing in winter. Many parts of the country are covered in snow and numerous roads are blocked. Therefore, refugees who might have wanted to return are unable to reach such areas. Repatriation is expected to increase as the weather becomes warmer. Armed hostilities have subsided over the past months.

19. It should further be noted that the period November 1990 to February 1991 has been used by all sides for various political activities. Some of these political events are further discussed in the context of human rights issues:

(a) Mujaheddin commanders, including Ahmad Shah Massoud and Amin Wardak, discussed a unified strategy for military operations inside the country and decided, inter alia, to establish nine administrative zones. Their meeting ended on 14 October 1990;

(b) On the occasion of Commander Massoud's visit to Pakistan in October 1990, an agreement was signed between the Hesb-i-Islami and Jamiat-e-Islami parties, to resolve their internal conflicts through elections;

(c) The President of the Republic of Afghanistan paid a widely commented visit to Geneva starting on 18 October 1990, where he met personalities from moderate opposition groups, a representative of the former King of Afghanistan, and the former United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan (Operation Salam), Sadruddin Aga Khan, as well as Swiss parliamentarians;

(d) On 9 November 1990, the former King, Zaher Shah, proposed a plan for the political settlement of the Afghanistan issue (see para. 79);

(e) Following a visit to Afghanistan, Professor Mojaddidi, President of the Alliance of Mujaheddin, the so-called Afghan Interim Government (AIG), held a press conference in Peshawar on 27 November 1990, commenting on the visit and announcing that an election plan had been published by the AIG Election Commission and rejecting allegations that he or his representatives had met the Afghan President in Geneva. He also described the election agreement between the Hesbe and Jamiat parties as "not reasonable";

(f) On 2 December 1990, the AIG announced an election plan, indicating that the process of elections in areas under its control should be completed by 18 March 1991.

20. Three substantive documents concerning the present political and human rights situation in Afghanistan were published before this session of the Commission:

(a) The report of the Secretary-General of 17 October 1990 on the situation of human rights in Afghanistan and its implications for international peace and security (A/45/635);

(b) The Third Consolidated Report of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan;

(c) The interim report of the Special Rapporteur to the General Assembly concerning the human rights situation in Afghanistan (A/45/664).

B. The situation of refugees

21. In his report to the General Assembly, the Special Rapporteur has indicated that there was a certain trend of refugees to return. The United Nations, in co-operation with the authorities of Pakistan, established a pilot project on voluntary repatriation to Afghanistan for the period 15 July to 15 October 1990. This pilot project has been extended to March 1991. For its part, the Government of Afghanistan expressed its readiness to facilitate the return of refugees by allocating a special budget, setting up guest houses and providing transportation. The Government also issued several decrees concerning refugees (see para. 32).

22. Since September 1990, about 25,000 refugees have returned to Afghanistan under the pilot project. The total so far, however, is estimated at only about 70,000. The Afghan Minister for Repatriates' Affairs stated that an average of 200 persons were returning daily from the Islamic Republic of Iran.

23. The process of repatriation has been, and still is, hampered by the resistance of opposition parties as well as armed groups within Afghanistan. The Special Rapporteur has already informed the General Assembly of cases where returnees have been intercepted and sent back to Pakistan (see A/45/664, para. 34). The Special Rapporteur has also reproduced two declarations concerning the repatriation of refugees (A/45/664, annexes I and II).

24. During his recent visit to the region, the Special Rapporteur received credible information on other cases of impediments to the return of refugees as follows:

(a) In November 1990, 10,000 families from Nangarhar province had tried to return, but were stopped in Kunar near Nawab castle by armed groups belonging to the Hesb-i-Islami opposition party as well as Wahabis, and were forced back to Pakistan;

(b) Five Hesb-i-Islami and Ittihad-i-Islami opposition groups, each comprising 25 members, were allegedly operating in Garghi and Maydan with the aim of preventing resettlement;

(c) New check posts were installed by the opposition forces along the route to Ali Masjed, in Torkham, Salman, Ghandab and Naiwa Gei, to control the return of refugees crossing the Pakistan border. It is alleged that there is a member of the opposition groups at each of the check posts;

(d) In September 1990, 10 families from Sada camp were stopped, their property was confiscated, they were beaten and tortured by the Islamic Regiment of Ittehad-i-Islami, and forced to return to their camp in Pakistan.

25. As stated by the Special Rapporteur in his report to the General Assembly (A/45/664), even representatives of the so-called Afghan Interim Government (AIG) do not deny that there have been thousands of cases of this kind. It is obvious that such practices cannot be considered as being in conformity with article I of Instrument II of the Geneva Agreements (see S/19835, annex I). It would appear that refugees residing in the North West Frontier Province (total number of registered: 2,239,032) are subjected to greater pressures not to return than those living in Baluchistan (total registered: 840,467). It also appears that unregistered refugees find it easier to move back and forth across the border than those who are registered. Also, the social services available to them as well as income-generating employment in Pakistan represent an economic motivation for refugees to stay. The Special Rapporteur was informed about economically motivated migration of persons belonging to the Shi'ite Hazara ethnic group from central Afghanistan to Iran via Pakistan. A certain movement of refugees within Pakistan from camps to cities near which they are located and beyond has also been reported, and accounts for a so-called "floating" refugee population.

26. It has not been possible for the United Nations High Commissioner for Refugees to pursue the planned airlift of refugees between Herat and Balkh provinces, and aid from international organizations has decreased. The Afghan Government has therefore proceeded with the airlift on its own, and has been obliged to allocate military aircraft for this purpose. So far, 740 refugees have been transferred in this way from Herat to Kabul and 1,004 persons were transported from Herat to Balkh. The guest house in Herat is currently overcrowded, with 7,000 returnees awaiting transportation to their final destination.

27. Concerning camps in Pakistan, the distribution of subsistence rations of staple goods is on the decrease. The reasons for this may not only be a general reduction of international aid but also a desire to encourage refugees to become self-reliant.

28. The Special Rapporteur thought it worth while to report one incident which illustrates the unrest and poor conditions in which the refugees are obliged to live. In his previous reports, he informed United Nations bodies about the fate of women and children in refugee camps (see in particular A/44/669). The widows' camp located within the Nasir Bagh refugee camp near Peshawar was the most telling example. After a series of incidents which started in February 1990, following inflammatory statements made during morning prayers at the camp mosque on 26 April 1990, a large crowd of 5 to 6,000 refugees looted and destroyed the property of "Shelter Now International", an international volunteer relief organization which has worked in Afghanistan since 1982. Over 175 tons of powdered milk worth $US 300,000, destined for refugee children, were stolen, a vehicle workshop was looted and set on fire and 19 vehicles worth $US 200,000 were stolen or

destroyed, among which were 15 cars and land cruisers donated to the organization by the United Nations High Commissioner for Refugees. The programme concerning widows was attacked vehemently and the facilities destroyed and, as a result, the widows' camp was closed down. The widows were placed either with relatives or with their fellow tribesmen or persons known to them.

29. Another example of insecurity in the camps was reported from Teri Mangal where, on 29 October 1990, four bombs, including two napalm bombs, were dropped by the Afghan airforce, injuring several persons and destroying shops and vehicles. Later the same day, SCUD missiles fired by Afghan Government forces killed eight persons. During the same month, a SCUD missile killed two persons three kilometres from Teri Mangal, and on 22 November 1990, a bombing raid was carried out by MIG aircraft two kilometres inside the border, at Paklia (Palikhel). It may be concluded that security remains unsatisfactory and represents a potential risk for any cross-border traffic, including repatriation.

30. An additional reason for refugees not to return has been the intensive bombing raids of the provinces of Uruzgan, Nangarhar and, in particular, Logar by government forces using SCUD, BM-12 and BM-40 (Uragan) missiles.

31. The number of Afghan refugees in Pakistan is still estimated at 3,277,554. The number of those who have returned to Afghanistan cannot be determined with any precision, and estimates differ on the Pakistani and Afghan sides. The Chief Commissioner for Refugees of Pakistan gave a figure of 69,174 (i.e. 13,274 families) as having returned to Afghanistan since 25 July 1990. The Minister for Repatriates' Affairs of Afghanistan stated that 12,728 families had returned by 11 December 1990 and that the total of returnees from all over the world amounted to 300,000, not including those who were repatriated under the pilot project. He added that the Government had received requests from 110,000 Afghan families currently residing in the Islamic Republic of Iran to return. The Afghan Government was considering these requests, with a view to ensuring the necessary facilities and land for the returnees.

32. The Afghan authorities have issued various decrees concerning facilities for persons returning under the policy of national reconciliation. An English translation of these texts is now available, which enables a better understanding of the measures to be implemented. The following decrees are of particular interest:

(a) Decree No. 322 of 6 March 1987, concerning the remission of personal tax and taxes on farmland, shops, private businesses, and rental of Government-owned shops;

(b) Decree No. 56 of 5 May 1987, concerning remission of dues as taxes on residential buildings and those for sanitation purposes, electricity and water consumption, telephone, telex and postal boxes, as well as minor interest on loans and additional loans taken out by returnees ("Tikitana");

(c) Resolution No. 56 of 19 May 1987, concerning the readmission of returnees previously studying in professional and technical vocational training colleges and in institutions of higher education;

(d) Decree No. 328 of 10 March 1987, concerning the remission of "Tikitana" taken out from the Agricultural Development Bank by farmers and members of agricultural co-operatives for the purchase of chemical fertilizer, improved seeds, and agricultural tools and machinery;

(e) Decree No. 295 of 29 October 1987, concerning facilities for Afghans living in exile to return to their homeland and visit their relatives and families on a temporary or permanent basis;

(f) Decree No. 316 of 27 November 1987, concerning dispensation of dues on weapons, ammunition and other arms in the possession of returnees;

(g) Decree No. 321 of 6 December 1987, concerning the restitution of property to returnees.

33. It has not been possible so far for the Special Rapporteur to study the effectiveness and extent of implementation of these decrees and resolutions.

34. In this context, it should be mentioned finally that, during the period under consideration, a new flow of refugees entered Pakistan as a result of military activities in Afghanistan. After heavy shelling and bombing raids in Logar province, it is estimated that about 800 families, or 56,000 persons, sought refuge in Pakistan towards the end of 1990. The Special Rapporteur interviewed the elders from this province at Kacha Gari and Aza Khel camps.

C. Human rights in government-controlled areas

35. In November 1990, the Special Rapporteur informed the General Assembly of the facts concerning the control of Afghan territory. The area around Kabul as well as the main cities and villages, highways and airports are in effect controlled and administered by the Government. All but two provincial capitals (Kunar and Uruzgan provinces) are under government control, and civilian life in many of these areas is relatively normal. However, a large part of the territory is not under the control of the Government but under that of various armed groups and commanders.

36. In view of the short length of time available to the Special Rapporteur to visit the area, he was only able to make an in-depth study of the situation concerning the right to liberty and the security of individuals.

Right to liberty and security of individuals

37. Time and again, opposition forces have made allegations that the number of prisoners detained by the Government is much higher than that reported by the Special Rapporteur. The Hesb-i-Islami party has estimated that there were approximately 20,000 political prisoners. They claimed that 8,000 political prisoners were being held in Pol-i-Charkhi prison and about 15,000 in the provinces. They also claimed that 18,000 Afghan children were being held abroad. In addition, they indicated that there were many more detention centres allegedly existing in and around Kabul than those visited by the Special Rapporteur. The following places of detention in and around Kabul were named: Pol-i-Charkhi prison, the Prime Minister's residence, the Shashtarak interrogation centre, the Military Department and Departments 1 (Deh Sabz), 2 (Sharinau), 5 (Dailaman), 7 and 12 (Sharinau, where women are allegedly detained) of the Khad (internal security police).

38. The Special Rapporteur has again received allegations that the actual number of prisoners in Afghanistan is much higher than the figures provided by the Government. The Special Rapporteur is not in a position to verify this assertion which contradicts his earlier findings nor has he received substantive evidence in this regard.

39. As this report was being finalized, the attention of the Special Rapporteur was drawn to a communication addressed to the United Nations Voluntary Fund for Victims of Torture, containing a list of 447 alleged torture victims for the years 1986 to 1990, who had sought help at the Psychiatry Centre for Afghans in Peshawar. The Special Rapporteur intends to revert to allegations concerning incidents reported to have occurred after 1990 in his next report.

40. The system of security in Afghanistan is clearly divided between the Ministry of State Security and the Ministry of the Interior. The Minister of the Interior indicated that the total number of prisoners in the country was 4,261, of whom 2,530 were political prisoners and 1,731 criminal prisoners. Of this total, 94 were female, of whom 10 were political. Pol-i-Charkhi central prison contained 2,580 prisoners, of whom 1,699 were political and 850 criminal prisoners. There were also 31 females, including three political prisoners. Of the prisoners detained at Pol-i-Charkhi, 31 were foreigners (24 Pakistanis, 5 Arabs, 1 Iranian and 1 Malaysian).

41. The Special Rapporteur reported to the General Assembly about the general and individual amnesty decrees (see para. 45). Since September 1990, 30 individual amnesties were granted. A total of 54 persons were released, including 6 foreign prisoners.

42. During his recent visit to Pol-i-Charkhi prison, the Special Rapporteur was able to talk freely with two prisoners whom he had requested to see. Two other prisoners whom he wished to see, however, could not be found, possibly due to misspelling of their names or insufficient information.

43. Following the visit to foreign prisoners held at Pol-i-Charkhi, mentioned in the Special Rapporteur's report to the General Assembly (A/45/664, para. 47), he had requested the prison authorities to refrain from carrying out any reprisals against them as a result of their frank statements concerning the conditions of their detention. The prison authorities had assured the Special Rapporteur that they would respect this wish. During his last visit to Pol-i-Charkhi prison, the Special Rapporteur was able to speak with an Iraqi prisoner, who appeared to be acting as spokesman for the foreign prisoners detained there. This prisoner confirmed that no reprisals had been carried out, but that the quality of the food had deteriorated. The latter complaint was contested by the prison authorities and was not confirmed by representatives of the International Committee of the Red Cross. In view of the harsh winter conditions prevailing in the region, the Special Rapporteur deplored the fact that the central heating system was not functioning, since electric heaters were insufficient to heat large cells.

44. The Special Rapporteur was able to visit for the second time the Dar-el-Taadib juvenile rehabilitation centre. From 1981, this centre was administered by the Ministry of State Security, but in 1990 it was placed under the administrative authority of the Ministry of Justice. The full transition as regards its legal and personnel status is due to be completed by 21 March 1991.

45. The Dar-el-Taadib juvenile rehabilitation centre caters for adolescents between the ages of 13 and 18. Children under 14 years of age are treated in accordance with a special law on children. At the time of the Special Rapporteur's visit, the centre had 157 inmates, 11 of whom had been convicted under the State security law. The figure included six females. The Special Rapporteur was informed that the internal regulations of the centre were currently under revision by the Ministry of Justice. The conditions of the young inmates were described as being much more flexible than those prevailing in ordinary prisons. Family visits were reported to be allowed on Fridays, and relatives could bring food and other authorized items. It was stated that the adolescents can be, and have been, pardoned under amnesty decrees. The Director assured the Special Rapporteur that the United Nations Convention on the Rights of the Child would be respected. The Special Rapporteur was also informed that corporal punishment was totally excluded as a disciplinary measure. The centre appeared to have a full education programme.

46. In view of the limited time available to him, the Special Rapporteur was unable to interview inmates and discuss their problems. It was obvious to the Special Rapporteur that all the premises of the centre required a complete renovation. The overcrowded dormitories, as well as the kitchen and dining room were in a state of neglect that will require the particular attention of the Government. Over the years since he was entrusted with this mandate, the Special Rapporteur had come to understand that such facilities could not be judged by Western standards. Recognizing this, and comparing these conditions with those prevailing in the Perwarishgahi Watan Institute (see below), it may be remarked that adolescents in the Juvenile Rehabilitation Centre could hardly find the atmosphere propitious to rehabilitation.

47. In this connection, the attention of the Commission should be drawn to claims on the part of representatives of the opposition that more than 18,000 Afghan children are being detained in the Union of Soviet Socialist Republics. The Special Rapporteur raised this question with Soviet diplomats, who stated that there could be about 3,000 Afghan orphans in the Union of Soviet Socialist Republics. In his previous reports to the General Assembly, the Special Rapporteur examined this problem in the context of the Perwarishgahi Watan Institute. It would be necessary to obtain more information concerning the circumstances surrounding so-called Afghan orphans who are studying and working in the Union of Soviet Socialist Republics.

48. In view of the interest expressed by the Afghan Government in combating drug abuse and drug trafficking, the Special Rapporteur drew the attention of the prison authorities and the Director of the Dar-el-Taadib juvenile rehabilitation centre to this problem. The competent authorities explained how the respective laws, prison regulations and administrative practices were applied to combat possible drug abuse in detention centres. The Special Rapporteur is of the opinion that this problem falls within the ambit of human rights (article 12 of the International Covenant on Economic, Social and Cultural Rights - the right to health). Since allegations of drug abuse in detention centres have been made, the Special Rapporteur would like to emphasize that all possible measures should be taken to avoid this problem.

49. The Special Rapporteur has informed the General Assembly about the situation of prisoners under the control of the Minister for State Security (see A/45/664, para. 49). In Kabul at the time of his visit, 204 persons were under interrogation and 219 awaiting trial. Among persons who allegedly took

part in the attempted coup of March 1990, 317 were awaiting sentence, pending completion of their trials, while 150 others are said to have been released at various stages of the investigation or have already been acquitted.

50. During his visit to Afghanistan at the beginning of January 1991, the Special Rapporteur drew the attention of the Minister for State Security to the fact that the International Committee of the Red Cross (ICRC) had not obtained access as yet to prisoners under the authority of the Ministry of State Security, which represented a very unsatisfactory situation. The Minister authorized the Special Rapporteur to state in his report to the Commission on Human Rights that such authorization would be given to the ICRC within one month, and invited him to apprise the ICRC representatives accordingly. At the time of the finalization of this report, the ICRC had still not been given access to these prisoners.

51. The Minister for State Security reminded the Special Rapporteur that, despite the Afghan Government's willingness to respect human rights and its commitments in this regard, it was necessary to take the war situation into consideration. Under such circumstances, it might not be possible to adhere strictly to the human rights provisions concerning personal liberty, in the interest of State security. The Special Rapporteur replied that a balance had to be found between respect for human rights and the requirements of State security, which must be governed by those inalienable rights which may not be abrogated even at a time of public emergency (see the International Covenant on Civil and Political Rights, article 4).

Other human rights issues

52. As regards other civil and political rights, such as the right to freedom of expression, the right to education and the right to religious freedom, the Special Rapporteur would like to refer to his recent report to the General Assembly (A/45/664 paras. 58 to 64). However, there is one additional aspect. Concerning the right to freedom of religion, the following comment on his report to the General Assembly appeared in the Afghan News of 1 January 1991, published by the opposition party Jami'at Islami Afghanistan: "The United Nations reporter said freedom of religion is exercised in Kabul and he did not receive any complaints about restrictions on the practice of religion. Ermacora's view about freedom of religion in Kabul is based on a purely Western interpretation of religion which is limited to personal belief and worship. For Moslems, however, religion is a complete way of life. Allowing a Moslem to say his prayers does not return to him his full religious freedom". The Special Rapporteur wishes to point out to the Commission that his perception of the freedom of religion is based on the understanding of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly on 25 November 1981 (resolution 36/55).

53. With regard to economic, social and cultural rights, the Special Rapporteur has no other information than that presented to the General Assembly (A/45/664, paras. 65 to 68).

54. As far as the situation of juveniles is concerned, the Commission may wish to note that the Republic of Afghanistan is a signatory to the Convention on the Rights of the Child, which was unanimously adopted by the General Assembly on 20 November 1989 and entered into force on 2 September 1990.

D. Situation of human rights in areas not under government control

55. The Special Rapporteur wishes to refer to his report to the General Assembly (A/45/664, paras. 69 to 82), and should like to recall that in September 1990, with the consent of the Government, he had the opportunity for the first time to visit areas which were not entirely under its control. The Special Rapporteur visited parts of Kunar and Kandahar provinces. As concerns the areas he was able to visit, it is doubtful that a genuine administrative structure exists there. Many of these areas are depopulated. Parts of some provinces are administered by representatives of traditional forces from among the opposition groups. In his report to the General Assembly, the Special Rapporteur made special reference to Kunar province, where schools and medical facilities exist. Reference must also be made to the Third Consolidated Report of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan (UNOCA) which covers the situation in the various provinces. Another report worthy of interest, prepared jointly by the United Nations High Commissioner for Refugees (UNHCR), WFP, World Health Organization, UNOCA and MCPA, is the "UNHCR Report on the Monitoring Mission to Paktia from 23 to 30 September 1990". It provides detailed information on the refugee situation in the province, returnees to the province, the obstacles they encounter at border crossings, bombing raids made on them, as well as the economic situation of returnees and their most urgent needs. The annex to that report examines the situation in 13 villages or districts of Paktia province and provides impressive insight into the population, the percentage of returnees, the magnitude of destruction and its victims, as well as the extent of reconstruction. This study may be considered as a model of its kind. It is evident that only by systematically visiting the provinces may a clear picture be obtained of the realities in territories not under government control.

56. No new information has come to the attention of the Special Rapporteur that would change his previous findings. However, more detailed information concerning the human rights situation in the above-mentioned areas may be found in the Third Consolidated Report of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan, and the report of the United Nations High Commissioner for Refugees on the Monitoring Mission to Paktia, 23 to 30 September 1990. These reports show that only certain parts of the territory not under the control of the Government have been repopulated.

57. The Special Rapporteur was informed that the Government had carried out heavy bombing raids towards the end of 1990, in areas not under government control, i.e. the provinces of Logar, Uruzgan and Nangarhar, as well as the provincial capital of Zabul province, Qalat. Hostilities were also reported to have taken place around Kabul and Wardak, which have affected the civilian population.

58. In November 1990, villages in several districts of Logar province predominantly populated by farmers, including Denau, Mogol Hel and Zargun Har in Mohamad Agha district and villages in Puli Alam district, were bombed and destroyed by the Afghan airforce. All these villages are on the strategically important road from Kabul to Gardez and were in the hands of opposition forces. The bombings were carried out by SCUD missiles and BM-12 and BM-40 (Uragan) long-range missiles. Bombing raids were also reported to have taken place in Sorhot, near Jalalabad in Nangarhar province. The Special Rapporteur

was also informed that families were leaving the Khogiani, Kama and Behsud areas of Nangarhar province. It has been reported that these villages have been bombed two or three times per day. Witnesses told the Special Rapporteur that between 300 and 500 persons were killed during these raids, and 600 to 700 wounded. There has been a massive exodus from the area. The figures supplied to the Special Rapporteur range from 500 to 800 families up to 1,300 families, who have fled to Pakistan and settled in various refugee camps. The Special Rapporteur interviewed members of 1,120 families now living in one camp.

59. As stated in paragraphs 19 and 79, the commanders' meeting of October 1990 decided to establish nine administrative zones throughout the country. The Special Rapporteur has no information regarding the realization of this plan and does not know whether any administrative units have already been established or whether schools and hospitals have been set up in these areas. He is still of the opinion, however, that few areas under the control of the commanders have a genuine administrative infrastructure.

60. It is the Special Rapporteur's opinion that the existence of detention centres of the opposition forces on Afghan territory is quite probable, but he has no concrete information concerning their location, the number of persons detained or the treatment accorded to them. So far, there have only been speculations on the subject.

E. Human rights in light of the armed conflict

61. It is quite clear that humanitarian law and human rights instruments call for particular respect of the civilian population (Fourth Geneva Convention of 12 August 1949), the right to life and humane treatment (article 3 of the Geneva Convention), and for the respect of prisoners (Third Geneva Convention). They also forbid all acts of terrorism. (For the definition of terrorism under the terms of the First Additional Protocol to the Geneva Convention of 12 August 1949, see A/43/742, paras. 118 to 121 and A/44/669, para. 8.)

62. In this respect, the Special Rapporteur has received new information concerning the following incidents, which have taken place since October 1990.

63. Civilian casualties have been registered in the Logar province, due to hostilities between the Afghan army and armed opposition groups, as well as in Shomali and Bagram, where operations were carried out in retaliation against an opposition rocket attack on Bagram air base on 27 November 1990. As a result of mopping-up operations, hundreds of families have left the Paghman area. Civilians have also been killed in Zabul province, due to the armed conflict in the region.

64. The Special Rapporteur did not visit any hospitals during his recent visit to Pakistan and Afghanistan, but was apprised of the activities of the International Committee of the Red Cross (ICRC) hospitals in both countries. He was informed that co-operation with the competent authorities was good and that the ICRC had been able to extend its humanitarian work in Afghanistan. It has been indicated that the number of wounded treated in Peshawar has slightly decreased, while the hospital in Quetta has increased its activities as a consequence of improved evacuation of the wounded and the opening of an additional first aid post in Kandahar city. The number of patients at the ICRC hospital in Kabul has been reported as stable.

65. The Special Rapporteur was informed by reliable sources of massive summary executions of Afghan soldiers and civilians by armed opposition groups. When the Tarin Kot garrison, in Uruzgan province, surrendered in September 1990, it is reported that approximately 200 persons, including women and children, belonging to families of Afghan army personnel were summarily executed in the Noor valley between Kandahar and Uruzgan province by armed opposition groups under the command of Abdul Alim, a member of the party headed by Gulbuddin Hekmatyar. Among them were about 100 soldiers from the garrison, who are reported to have been executed on the spot. The Special Rapporteur also learned that these executions had been photographed by Wahabi groups.

66. In addition, the Special Rapporteur was informed that, on 19 October 1990, 174 persons belonging to a militia group and the Afghan armed forces were executed on the spot, following the battle of Qalat as they were transporting supplies from Kandahar to Zabul, by the same opposition groups that carried out the executions in Uruzgan. Swords were used to behead the victims. News of this incident was broadcast by Voice of America on 25 October 1990.

67. In Kandahar province, opposition groups laid mines in the path of a group of elders on their way from Spin Boldak, who had taken the initiative to try to mediate in negotiations on a cease-fire between Government troops and various opposition groups. Furthermore, it is reported that clashes have erupted between opposition groups, resulting in numerous deaths. Since 1 July 1990, 1,759 members of opposition groups were reported to have been killed, including 71 commanders and 12 children, and 1,985 persons wounded.

68. The Special Rapporteur asked the Afghan authorities whether any participants in the attempted coup of 6 March 1990 had been executed. He was informed that no summary executions had taken place during the suppression of this coup, and that the only deaths had occurred during the actual hostilities.

69. Acts of terrorism have continued. Figures for the period up to July 1990 are reflected in the report of the Special Rapporteur to the General Assembly (A/45/664, para. 87). Since July 1990, 1,918 rockets, mostly Saccas fired from a distance of 28 to 30 kilometres, have been fired on Kabul, causing 474 deaths and 1,497 wounded. Representatives of opposition groups have stated that their attacks on Kabul are directed at military targets. However, the Special Rapporteur is an eyewitness that such attacks, regardless of their target, mostly hit the civilian population. Representatives of opposition forces have, on occasion, even denied that rocket attacks may be imputed to their forces. The Special Rapporteur finds it difficult to believe such statements.

70. The situation of prisoners-of-war remains rather precarious. The opposition claims that thousands of prisoners are still detained in the Union of Soviet Socialist Republics. This is firmly denied by Soviet representatives. The Special Rapporteur cannot investigate this matter. On the other hand, it has been said that a number of Soviet prisoners are still detained by the opposition forces. The alleged total of approximately 300 Soviet prisoners cannot be verified. However, the Special Rapporteur has received credible information, according to which some 25 Soviet soldiers are in the custody of various opposition groups. It is quite understandable that the relatives of these prisoners wish to obtain information concerning their

whereabouts and to exchange correspondence with them. Regrettably, it appears that these prisoners are being used as hostages. According to the most recent and trustworthy information, the opposition forces would be prepared to release one Soviet prisoner in exchange for 100 imprisoned Mujaheddin. Serious efforts will be required to resolve this sad chapter of the Afghan conflict. In the opinion of the Special Rapporteur, such an exchange of prisoners would be made easier if representatives of the opposition forces were willing to negotiate the subject with the Afghan authorities.

71. Another matter of concern is the fate of foreign prisoners held in Afghan gaols. The Special Rapporteur has received a list of names of convicted foreign prisoners, but those of foreign prisoners under interrogation (four Pakistanis, one Iraqi and three Iranians) have not been made available to him.

72. The Special Rapporteur has been informed that a number of Afghan prisoners who had been detained in Pakistan were released on 7 January 1991, and he welcomes this important humanitarian gesture.

73. Finally, there is the question of prisoners held by opposition forces who appear to be Mujaheddin belonging to rival groups. The Special Rapporteur has heard rumours according to which thousands of such prisoners are detained in certain camps of opposition forces. Although this problem also falls under the Geneva Conventions, the Special Rapporteur has been unable to visit these prisoners or to obtain additional information about them.

F. Self-determination

74. United Nations resolutions have consistently called for the guarantee of the right to self-determination for the Afghan people. Part of the objective to attain self-determination may have been achieved through the withdrawal of foreign troops. Their withdrawal has changed the focus of this objective.

75. However, the right to self-determination must also be understood as the right of a people to freely choose its political status and the liberty to pursue its economic, social and cultural development in accordance with this choice. In its evaluation of article 1 of the International Covenant on Civil and Political Rights, the Human Rights Committee made it clear that, in promoting the realization of this right, Governments shall institute the procedure by which this right may be exercised.

76. The exercise of this right must also encompass the possibility of the refugees to return and to participate in the process of choosing their political and social system.

77. Apart from the problem of refugees and their right to freely return to their homes, elections are the most common method for exercising this right when it is understood as internal self-determination.

78. In the present situation of Afghanistan, the exercise of the right to self-determination is closely linked with the armed conflict in the country. It would appear at the moment that both the option of continuation of armed conflict and that consisting in a political solution are being pursued. The United Nations and the representatives of many Governments have pleaded for a political solution of the conflict as the condition required for the free exercise of the right to self-determination. Self-determination goes hand-in-hand with the search for a political solution.

79. According to the monthly bulletin of the Afghan Information Centre, published by the opposition forces, dated November-December 1990 (Nos. 116-117), all the parties involved in the situation claim in one way or another that they want a political solution:

(a) During the commanders' meeting held in October 1990, it was decided that the tribes, religious scholars and intellectuals of Afghanistan should independently initiate the formation of councils in the country. An agreement was signed between the Jamiat (Massoud) and Hezb (Hekmatyar) opposition parties to resolve their internal conflicts through elections in areas under their control;

(b) On 9 November 1990, Ex-King Zaher Shah proposed a plan for the political settlement of the conflict, according to which an inter-Afghan understanding should be created at the national level. An Afghan commission composed of approximately 30 pro-Jihad personalities should be established, with a view to preparing a list of persons to attend an emergency Afghan Jirgah. These persons should include representatives of all Mujaheddin and pro-Jihad Afghan organizations, well-known Islamic scholars, political personalities, tribal leaders (local and nomad) and all influential figures in Afghan society both inside and outside the country. The United Nations would provide the facilities required to hold the emergency Jirgah and would invite the members. The Jirgah should establish an interim political structure for the transition period, maintain stability, draft a new constitution and prepare the ground for free elections aimed at establishing a political system based on Islamic principles;

(c) Professor Mujadiddi, President of the so-called Afghan Interim Government (AIG), stated at a press conference on 27 November 1990 that the AIG's Election Commission had recently published an election law;

(d) The President of the Republic of Afghanistan, Dr. Najibbulah, visited Geneva at the end of November 1990. In a press conference prior to his visit, he stated that a committee acceptable to all sides should be established to hold elections under the supervision of the United Nations. The committee may enjoy control over the Ministries of National Defence and the Interior. An AIG spokesman commented that, "Our Jihad will continue because not a single Mujahed is ready to talk with Najib".

80. As far as elections are concerned, they should conform to the requirements set out in article 21 of the Universal Declaration on Human Rights of 10 December 1948 and article 25 of the International Covenant on Civil and Political Rights. Article 21 of the Universal Declaration of Human Rights stipulates that, "The will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures". Article 25 of the International Covenant on Civil and Political Rights stipulates that "Every citizen shall have the right and the opportunity to vote and to be elected at genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".

81. Article 66 of the Constitution of the Republic of Afghanistan provides for "universal, equal, free, secret and direct ballot elections" for the Loya Jirgah, while article 79 calls for the peoples' deputies to the House of Representatives to be elected by general, equal, free, secret and direct voting. Such elections have not taken place so far, owing to the prevailing situation. The constitutional provisions presuppose that the elections foreseen therein correspond to the modalities described in international human rights instruments.

82. A different selection scheme has been proposed by the Election Commission of the Supreme Court of the so-called Afghan Interim Government (AIG), in the form of a printed document. This election law contains 44 articles and is entitled "Law for the Formation of an Islamic Elective Competent Loya Jirgah of Afghanistan". The Special Rapporteur was unable to obtain a clear picture of the modalities for elections according to this law. It does not provide for general elections but calls for a selection of persons who would form an Islamically chosen Loya Jirgah of Afghanistan, which would be composed of 10 elected persons from each constituency at the district level, 15 selected persons from each component of the AIG in accordance with the AIG resolution of 8 January 1989, and 20 persons possessing a satisfactory Islamic identity and personality selected from throughout Afghanistan from among religious scholars, clergy and tribal elders. The Loya Jirgah's Central Commission would be composed of one person from each district, chosen from among the 10 persons elected at the district level.

83. There would also be an Islamic Council of the Wulasi Jirgah (National Assembly), which would be composed of one individual selected from among 10 representatives of each constituency, 10 groups appointed in accordance with an AIG resolution of 8 January 1989, and members of the Loya Jirgah's Central Commission.

84. The "law" also contains qualification rules for both candidates and voters. In order to become a candidate, one must be a Muslim and national of Afghanistan, have participated in the Afghan Jihad, be over 25 years of age, not have been sentenced by Islamic courts for any crime or misdeed in the course of the Jihad, possess proper religious knowledge, not be notorious for treachery or debauchery, not be affiliated to deviant political groups, and not have taken a stand against the Islamic Jihad.

85. Persons having a close male relative (father, son or brother) in the employment of the "atheist government" or occupying a high-level post in agencies related to the Khad (internal security police) are not eligible for election. This also applies to persons who left the "atheist government" after the withdrawal of Soviet troops from Afghanistan.

86. In order to vote, one should be a Muslim and citizen of Afghanistan, be sane and adult, not be affiliated to deviant political groups, and not have taken a stand against the Islamic Jihad. Women would be excluded from the electoral process. Although article 22 of the "election law" stipulates that, in the case of commanders in exile, they may be elected from a refugee quota, it would appear that approximately 70 per cent of Afghans would not be eligible to participate in these elections.

87. The AIG announced that the process of elections would be completed by 18 March 1991. Some 138 members of supervisory teams have been dispatched from Peshawar to 20 provinces inside Afghanistan. Similar teams would be leaving Quetta for 10 additional provinces. The Hezb-e-Islami opposition group, headed by Gulbuddin Hekmatyar, which is not part of the AIG, has also agreed to the AIG election plan.

88. The two election schemes, that envisaged in the Afghan Constitution and that contained in the AIG election plan, are fundamentally different. The scheme enshrined in the Constitution does not foresee the election of a "pouvoir constituant", but takes the existing Government as the point of departure. The scheme outlined in the AIG plan aims at the selection of a constituent body on the basis of which an assembly would be elected.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

89. The Special Rapporteur would like to point to the validity of most of the conclusions contained in his report to the General Assembly in November 1990:

(a) The human rights situation concerning social, economic and cultural rights has not changed markedly;

(b) Regrettably, the situation of refugees has also not changed significantly. However, a certain trend to return does exist, or at least, a trend towards a greater mobility of refugees can be observed. The extension until March 1991 of the pilot project for repatriation should further motivate refugees to return once the winter period is over;

(c) It appears that the political leadership of the opposition forces does not favour mass repatriation, and it would appear that the passage of refugees across the Pakistan-Afghanistan border is easier in Baluchistan than in the North West Frontier Province;

(d) The intensity of the armed conflict in Afghanistan has a bearing on the movement of refugees. New arrivals have been registered following the continuous fighting in Logar province;

(e) The right to life and security of refugees is not guaranteed at all. The closing down of the widows' camp in Nasir Bagh is a deplorable example of the unrest among refugees. In addition, bombing raids and rocket attacks, which endanger the life and security of refugees, have also been reported;

(f) The Special Rapporteur would like to reiterate that the situation of Afghan refugees, who still number approximately 5 million, constitutes a human rights problem in itself. The plight of refugees can only be solved through a political solution to the conflict, and the situation can only be improved through the humanitarian efforts of the Pakistani Government in conjunction with the United Nations and non-governmental organizations. It would appear that both the political parties of the opposition forces and the commanders are hostile to the return of refugees as long as the conflict continues;

(g) The military situation in the country remains stable, inasmuch as armed opposition groups continue to attack territory controlled by the Government, while Government forces endeavour to maintain control over the principal cities, provincial capitals, highways, airports and strategic positions, as well as to recover lost territory. The warfare, which has subsided to a certain extent during the winter period, continues to claim numerous victims from among the civilian population and causes much destruction. The attacks on Logar province provide a pertinent example;

(h) The human rights situation in Government-controlled areas should be viewed against the background of the armed conflict. The number of convicted political prisoners appears to be stable (about 3,000 persons). Several hundred others are under interrogation. The government figures provided to the Special Rapporteur are contradicted by information from opposition forces, who also claim that Afghan prisoners continue to be detained in the Union of Soviet Socialist Republics. The Special Rapporteur has received no proof of this allegation. It has also been asserted that there are still several thousand Afghan orphans in the Soviet Union. The Special Rapporteur has been unable to study these questions in depth;

(i) Prison conditions during the harsh winter period are very difficult. Conditions in the Rehabilitation Centre for Juveniles are not encouraging. The recent placing of its administration under the responsibility of the Ministry of Justice and in the hands of persons with sound juridical qualifications ought to be welcomed. However, the condition of classrooms, dormitories, kitchen and dining room are such that the adolescents detained there would not have the impression that the modern Afghan society is really interested in improving the future of young offenders. The Standard Minimum Rules for the Treatment of Prisoners and the Convention on the Rights of the Child should be strictly adhered to and incorporated into the internal regulations of the Centre.

(j) The Special Rapporteur would like to emphasize the importance of observing regulations against drug abuse in all detention centres;

(k) The Special Rapporteur wishes to repeat the usefulness of visits to prisons by the International Committee of the Red Cross (ICRC) and is of the opinion that these visits have had a positive bearing on conditions prevailing in prisons. Up to now, the ICRC has only been able to visit convicted prisoners. The Afghan Minister for State Security had promised in August 1990 and reiterated in January 1991 that the ICRC will also be allowed to visit prisoners in detention on remand. This promise has not been implemented so far;

(l) An equally unresolved matter which constitutes an important humanitarian problem is the fate of prisoners held by the opposition forces. As the Special Rapporteur has already stated, places of detention for such prisoners do exist. Afghan soldiers have on occasion been exchanged for political prisoners held by the Government. The proposal recently tabled by the opposition, whereby one Afghan soldier would be exchanged for 100 Mujaheddin gives the Special Rapporteur the impression of a hostage situation regarding prisoners which is strictly forbidden by humanitarian law. The fate of Soviet prisoners in the hands of opposition forces remains unclear. Lists of names of such prisoners held by opposition forces have been drawn up by the Soviet authorities, but so far no progress has been made on this question;

(m) Terrorist warfare continues. Rockets hitting civilian sites and killing civilians are commonplace, at least in Kabul;

(n) The Special Rapporteur has been informed of three incidents of massive summary execution carried out during the latter part of 1990 by the opposition forces in the Noor valley and in Tarin Kot and Qalat, Uruzgan province. Hundreds of persons have been killed. There is no justification for such behaviour.

(o) It appears that there is a certain movement towards a political solution of the conflict but it has not been co-ordinated so far. The United Nations have undertaken conciliation missions. The President of the Afghan Republic visited Geneva where he met prominent personalities and explained his policy of national reconciliation. The opposition parties based in Peshawar agreed upon a selection procedure with a view to the holding of selections inside Afghanistan and the most important commanders have also assembled in order to decide about the establishment of administrative centres in the areas they control. Although the approaches to the "election schemes" proposed by different sides are at odds with each other, it appears that there is a certain movement towards selecting genuine legitimate representatives from among various segments of the Afghan population. However, as long as the refugees are excluded from the election process, a fully representative body cannot be created. The Special Rapporteur is well aware that an "election scheme" must take into account the specificities of a given society;

(p) The Special Rapporteur expresses the hope that in spite of the overwhelming political problems currently preoccupying the United Nations owing to different crises, the Afghan conflict and the Afghan people, who need international solidarity, will not be forgotten.

B. Recommendations

90. The Special Rapporteur makes the following recommendations:

(a) The Commission on Human Rights should support the free return of nearly 5 million refugees to Afghanistan, whenever they wish. It should be made clear that refugees should not be taken as elements of political bargaining;

(b) The conflict should be halted and the use of weapons of mass destruction by both sides should be banned. Efforts to achieve a general cease-fire should be increased;

(c) Acts of terrorism against the civilian population within the meaning of the First Additional Protocol to the Geneva Conventions must be stopped, regardless of a general cease-fire;

(d) Particular urgency should be given by both the Afghan Government, other Governments concerned, and opposition forces, to the need for expediting the exchange of prisoners wherever they may be held. The International Committee of the Red Cross (ICRC), as a neutral and impartial intermediary, could play a role in this regard;

(e) The International Committee of the Red Cross (ICRC) should be allowed to visit all prisoners including those in detention on remand as well as prisoners held by opposition groups;

(f) The fate of Afghan orphans should be investigated once again;

(g) Financial contributions should be earmarked for creating better accommodation for juvenile detainees;

(h) The Commission on Human Rights should be vigilant concerning the situation of human rights in Afghanistan as long as no political solution to the conflict has been found;

(i) The Special Rapporteur would like to reiterate the recommendations presented in his report to the General Assembly which may be considered as a supplement to the present recommendations.